

## **II. REMARKS/ARGUMENTS**

The Applicant gratefully acknowledges the potential allowability of claims 3-11, 13, 14, 16-27, 30 and 31.

The application still contains 31 claims.

No amendment to the claims has been made under the present response.

The specification has been amended in order to make a cross-reference to the provisional application on which the present application claims priority.

It is respectfully submitted that no new matter has been added to the application under the present response.

### **A. Summary of Rejections and Reply**

#### **1) Rejection of claims 1, 2, 12, 15 and 27-29 under 35 USC 102**

On page 2 of the Office Action, the Examiner has rejected claims 1, 2, 12, 15 and 27-29 under 35 USC 102(b) as being "fully met"<sup>1</sup> by Korean document no. 1985-0002128 (hereinafter referred to as "the '128 document"). In addition, the Examiner has also rejected claims 1, 2, 12, 15, 28 and 29 under 35 USC 102(b) as being "fully met"<sup>1</sup> by Schubert U.S. Patent No. 500,433 (hereinafter referred to as "Schubert").

For the reasons presented below, the Applicant respectfully traverses each of the Examiner's rejections and submits that claims 1, 2, 12, 15 and 27-29 are in condition for allowance.

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<sup>1</sup> It is assumed that the Examiner meant "anticipated". In any event, the Applicant respectfully traverses the rejection.

Independent claim 1

The Examiner's attention is directed to the following elements of independent claim 1, portions of which have been emphasized:

- "1. A wind instrument comprising:  
(...)
- **a mechanism** coupled to the plurality of movable elements, the mechanism being operative **for simultaneously reciprocating each of the movable elements** between a respective first position and a respective second position **thereby inducing an absolute change in the effective length of each of the plurality of pipes;**
  - wherein **the absolute change in the effective length is different for each of the plurality of pipes.**"

It is respectfully submitted that neither the '128 document nor Schubert anticipates the elements of claim 1.

Specifically, neither the '128 document nor Schubert teaches or suggests "a mechanism coupled to the plurality of movable elements (...) for simultaneously reciprocating each of the movable elements [to induce] an absolute change in the effective length of each of the plurality of pipes, the absolute change in the effective length [being] different for each of the plurality of pipes."

Rather, the '128 document appears to show a pan flute having pipes provided with piston assemblies to adjust the effective length of the pipes (see Figure 3). It is abundantly clear from Figures 1 and 3 of the '128 document that the effective lengths of the pipes are adjusted one pipe at a time by manually moving the piston assembly in each pipe, one piston assembly at a time. Clearly, therefore, the '128 document totally fails to teach or suggest "a mechanism (...) for simultaneously reciprocating each of the movable elements [to induce] an absolute change in the effective length of each of the plurality of pipes", as claimed in claim 1.

Similarly, Schubert describes a musical instrument having pipes provided with plug-and-rod assemblies at the end of the pipes to adjust the effective length of the pipes

(see col. 1, lines 42-50 and Figure 2). It is abundantly clear that the effective lengths of the pipes are adjusted one pipe at a time by manually moving the plug-and-rod assembly in each pipe, one plug-and-rod assembly at a time (see col. 1, line 50 to col. 2, line 2). Clearly, therefore, Schubert totally fails to teach or suggest "a mechanism (...) for simultaneously reciprocating each of the movable elements [to induce] an absolute change in the effective length of each of the plurality of pipes", as claimed in claim 1.

Furthermore, since the '128 document and Schubert each totally fails to teach or suggest simultaneously reciprocating a plurality of movable elements, it goes without saying that the '128 document and Schubert each cannot possibly be held to teach or suggest "a mechanism (...) for simultaneously reciprocating each of the movable elements" in such a way that "the absolute change in the effective length is different for each of the plurality of pipes".

For the above reasons, it is respectfully submitted that at least one element of claim 1 is neither taught nor suggested by either of the '128 document and Schubert. Therefore, it is respectfully submitted that neither the '128 document nor Schubert anticipates claim 1. Accordingly, the Applicant respectfully traverses the Examiner's rejections of claim 1 and submits that claim 1 is in condition for allowance. The Examiner is thus respectfully requested to withdraw his rejections of claim 1.

#### Dependent claims 2, 12, 15, 27 and 28

Claims 2, 12, 15, 27 and 28 depend either directly or indirectly on claim 1 and therefore include all of the elements of claim 1. Hence, for the same reasons as those set forth herein above in respect of claim 1, the Applicant respectfully submits that claims 2, 12, 15, 27 and 28 are in condition for allowance. The Examiner is thus respectfully requested to withdraw his rejections of claims 2, 12, 15, 27 and 28.

Independent claim 29

The Examiner's attention is directed to the following elements of independent claim 29, portions of which have been emphasized:

- "29. A method of playing a wind instrument (...) comprising:  
(...)  
- actuating a mechanism to **simultaneously vary the effective length** of the selected one of the pipes and the effective length of at least one of the pipes other than the selected one of the pipes, wherein **the absolute variation of the effective length** of the selected one of the pipes **is different** from the absolute variation of the effective length of the at least one of the pipes other than the selected one of the pipes;  
(...)"

It is respectfully submitted that neither the '128 document nor Schubert anticipates the elements of claim 29.

Specifically, the above-emphasized elements are similar to the elements discussed above in connection with claim 1. Accordingly, for the same reasons as those set forth above in respect of claim 1, it is respectfully submitted that neither the '128 document nor Schubert teaches or suggests "actuating a mechanism to simultaneously vary the effective length of [a first pipe and a second pipe], wherein the absolute variation of the effective length [of the first pipe] is different from the absolute variation of the effective length [of the second pipe]".

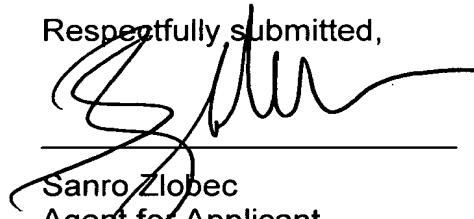
For the above reasons, it is respectfully submitted that at least one element of claim 29 is neither taught nor suggested by either of the '128 document and Schubert. Therefore, it is respectfully submitted that neither the '128 document nor Schubert anticipates claim 29. Accordingly, the Applicant respectfully traverses the Examiner's rejections of claim 29 and submits that claim 29 is in condition for allowance. The Examiner is thus respectfully requested to withdraw his rejections of claim 29.

### III. CONCLUSION

In view of the foregoing, the Applicant is of the view that claims 1-31 are in condition for allowance. Favorable reconsideration is requested. Early allowance of the application is earnestly solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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